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THIS TRANSMISSION CONSISTS OF TWO (2) PAGE(S)  
VIA FACSIMILE (212) 805-0426

The Honorable Laura Taylor Swain  
United States District Court  
United States Courthouse  
500 Pearl Street  
New York, NY 10007  
Attn: Sean

### MEMO ENDORSED

IT IS ORDERED that counsel to whom this Memo  
Endorsement is sent is responsible for faxing or  
otherwise delivering promptly a copy to all counsel  
for the represented parties and filing a certificate of  
service within 5 days from the date hereof. Do  
not fax such certification to Chambers.

Re: **NYKLARITZENCOOL AB v. KELSO  
ENTERPRISES and PACIFIC FRUIT INC.**  
Docket No. 07 CV 3520 (LTS)(HBP)  
Our File No. 12/3316

Honorable Madam:

We represent Plaintiff, NYKLARITZENCOOL, in the above-referenced matter. Our client commenced this action, claiming damages stemming from Defendants' breach of a charter party. As Defendant KELSO ENTERPRISES is not found in this district, we sought from the Court an Ex Parte Order, pursuant to Rule B of the admiralty rules, permitting the restraint of that Defendant's funds in this district. Also, as per the terms of the applicable charter agreement, we have commenced arbitration.

Unfortunately, the attorney handling this matter will not be in the country on August 22, 2007, the date this Court scheduled the initial conference. As such, we respectfully request that this Honorable Court adjourn the initial conference until September 12, 2007. We have contacted Defendant's attorney, and he has consented to such adjournment. No other such request has been made by Plaintiff.

We apologize for our oversight and thank this Court for its attention.

Respectfully submitted,  
MAHONEY & KEANE LLP,

By: 

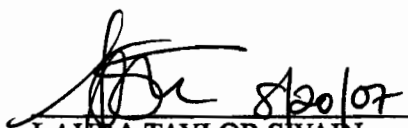
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CC: VIA FAX (212) 267-5767

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The conference is adjourned  
to September 12, 2007, at  
11:00 AM.

SO ORDERED.

  
LAURA TAYLOR SWAIN  
UNITED STATES DISTRICT JUDGE